
INTRODUCTION

The Uniform Fine/Bail Forfeiture Schedule was last updated in 1995. The goals of the most recent update include:

- 1) Update the monetary figures to reflect current practice in Districts.
- 2) Simplify the schedule, yet provide adequate direction to clerks on bail amounts prior to hearings in front of a judge.
- 3) Update other parts of the schedule to reflect practices in Districts.

There are four parts to the schedule.

- 1) A matrix to be used on delinquency matters other than those specifically addressed in the schedule. The matrix suggests fine amounts which include the surcharge. This matrix also includes charges which are anomalies to the matrix. (Part I)
- 2) Tables showing percentage of surcharges to be assessed and conversion tables.
(Part II)
- 3) A section that delineates the fine for traffic, wildlife and boating violations. (Part III)
- 4) A section that explains how to use the Juvenile Court Sentencing Guideline's matrix.
(See "Application", p.3)

Some key points to consider are:

- 1) The bail schedule for the District Court should be used for those minors who are to be prosecuted as a serious youth offender.

2) Each District/Court needs to determine a formula to convert a fine into community service hours. That formula is then to be published and made available to other districts.

STATE OF UTAH
JUVENILE COURT
UNIFORM FINE/BAIL FORFEITURE SCHEDULE

PURPOSE:

To minimize the disparity in fine amounts that can develop between districts, between judges within districts, and between probation/intake staff's recommendations.

ASSUMPTIONS:

1. In order to act in the "best interest of children" who come under the jurisdiction of the court, the individual needs, abilities, aggravating and mitigating circumstances must be considered when determining the amount of fine being recommended. U.C.A. 78A-6-117(2)(i) allows the court to "...impose fines in limited amounts."

2. By use of a simple matrix, with no differentiation between Acts Against Persons, Property, or the Public Order, the grid is to be used for all categories of delinquency offenses from the criminal code, and for use in determining bail amounts to release a juvenile living outside of Utah who has committed an offense within the state, but need not be detained. The amounts for the bail forfeiture process, pursuant to subsection 78A-6-117(2)(i), and Rule 10, U.R.J.P., covering traffic, wildlife resources, boating and recreation violations will not be included in this grid process, but are covered with separate schedules. Likewise possession of tobacco; possession, purchase, or consumption of alcohol; and curfew violations are covered separately. They are shown in this document at the bottom of page 3.

3. Felonies and misdemeanors have basic fine amount with a maximum or upper limit, an average amount, and a lower limit with no amount specified thus providing some uniformity as well as allowing flexibility for enhancement of or reduction from a basic fine amount. The amounts shown on the matrix include the surcharge.

4. The 1997 Legislative Session enacted Juvenile Sentencing Guidelines. The guidelines consider:

- Severity of presenting offense episode

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- Utah penal statutes
 - Delinquency history and risk to society
 - Judicial discretion; and
 - Continuum of sanctions

Aggravating and mitigating circumstances should be factored into the framework of the guidelines. The guidelines use two basic approaches; earlier intervention and more intensive supervision and services. The latter is the genesis for a whole new category called State Supervision. A copy of Form 1 and Form 2 of the guidelines is included in this schedule and the user can refer to the manual regarding the guidelines for further instruction.

5. In the matter of multiple offense petitions, single or multiple episodes, the Intake or Probation Officer can recommend:

- (A) A fine and surcharge for each offense, or in the alternative,
- (B) A fine and surcharge for the most serious offense with a recommendation of admonishment for the less serious offense(s).

6. Pursuant to Subsections 78A-6-117(2)(I) Rule 20 the imposition of a fine does not preclude the court making other reasonable orders for the best interest of the child or as required for the protection of the community, or combining several modes of disposition if they are compatible.

APPLICATION:

All cases calendared for the court involving an allegation alleging the commission of a criminal offense will include a recommendation to impose a fine or no fine pursuant to the above listed assumptions and by use of the Juvenile Schedule as follows:

1. Determine the classification of the offense(s) to be considered.
2. Begin with the average amount(s), apply any mitigating/aggravating factor(s) that pertain to the allegation(s) and determine the amount to be recommended. Include the amount(s) in your report to the court.

When deviating from the average amounts, the justification is to be included in the report to the court with the mitigating/aggravating factor(s) clearly specified.

3. The recommendation to the court should identify the incident number(s) and include a total sum and a breakdown of that sum into fine and surcharge per incident number.
4. The fine amounts on bail-forfeiture handling are covered separately.

JUVENILE FINE/BAIL SCHEDULE

PART I

Suggested	Felony	Class A	Class B	Class C
Maximum	\$1,000.00	\$750.00	\$500.00	\$300.00
Average	\$750.00	\$500.00	\$300.00	\$150.00
Minimum	\$500.00	\$300.00	\$150.00	\$100.00

Tobacco: 1st \$50.00 - group PI
 2nd \$100.00 - Tobacco Class and class fee
 3rd \$150.00 - MCA

4th \$200.00 - MCA

Alcohol: 1st N.J. - \$100

2nd standard Class B - mandatory hours, etc.

3rd & subsequent Max. Class B ÷ mandatory hours, etc.

Drug (including paraphernalia) 1st Max. Fine in that degree (class B, A, etc.)

2nd & subsequent \$750.00 for misdemeanors

\$1,000.00 for felonies

drug enhancement = one degree

** Any nonjudicial adjustment, pursuant to Section 78-3a-22, involving first time alcohol offenses, and any possession of tobacco or curfew offenses must include an informal penalty fee equal to the amount shown above.

SURCHARGE PERCENTAGES
AND
OFFENSE CLASSIFICATION CODES

Amount of Surcharge	Offense Class Code	Class	Type
85%	0	Capital	Acts against persons
85%	1	1st Degree	Acts against persons
85%	2	2nd Degree	Acts against persons
85%	3	3rd Degree	Acts against persons
85%	4	1st Degree	Property
85%	5	2nd Degree	Property
85%	6	3rd Degree	Property
85%	7	1st Degree	Public Order
85%	8	2nd Degree	Public Order
85%	9	3rd Degree	Public Order
85%	A	Class A Misd	Acts Against Persons
85%	B	Class B Misd	Acts Against Persons (Non Traffic)
35%	B	Class B Misd	Moving Traffic
35%	C	Class C Misd	Criminal Acts Against Persons & Moving Traffic
85%	D	Class A Misd	Property
85%	E	Class B Misd	Property (Non Traffic)
35%	E	Class B Misd	Moving Traffic
35%	F	Class C Misd	Criminal Acts - Property and Moving Traffic
85%	G	Class A Misd	Public Order
85%	H	Class B Misd	Public Order, Non Traffic
35%	H	Class B Misd	Moving Traffic
35%	I	Class C Misd	Public Order and Moving Traffic
None	J	Status	Ungovernable, Runaway, Curfew, Minor in Tavern, Transient, Habitual Truancy

Amount of Surcharge	Offense Class Code	Class	Type
35%	J	Status, Class C Misd	Tobacco Offenses
35%	K	Infraction	Property
35%	L	Infraction	Public Order
*	M	Traffic	Moving
None	N	Traffic	Non Moving
None		Community Service work orders in lieu of fine.	

* For traffic offenses see pages 10 to 17 for specific amounts. The M & N designations are not 100% accurate in identifying moving vs. non-moving by the definition of these terms as determined by the Judicial Council's Uniform Fine/Bail Committee who were empowered by the Judicial Council to establish such definitions.